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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,896	06/16/2005	John W Pace	US020548	9456
24737	7590	10/30/2007		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER SYED, NABIL H	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/539,896

Applicant(s)

PACE ET AL.

Examiner

Nabil H. Syed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 112**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 6 and 7 recites the limitation "the power toothbrush" in line 1. There is insufficient antecedent basis for this limitation in the claims. For the purpose of examination "the power toothbrush" is --a power appliance--.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
  
A person shall be entitled to a patent unless –  
  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kramer et al. (6,738,810).

As of claim 1, Kramer discloses a system for enabling limited time trial use products for additional preselected use (via a method of encouraging timely period

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payments that are associated with a computer system), comprising:

a power appliance (10), which has been adapted for limited time trial use (Kramer discloses that the computer system 100 is operable to prevent use of the computer system 100 in response to no-payment or no-timely payment of a fee, this would include a limited trial use of computer system because if a user does not like the system they do not have to pay the fee and discontinue the service; see col. 3, lines 4-20; also see fig. 1 and 2); and

an enabling device (12, 14), provided to the user following authorization, to enable the appliance for additional use (via user receiving the password after making the payment to enable the device for additional use; see col. 7, lines 42-56).

As of claim 2, Kramer discloses the additional use is long-term use and includes all of the functions of a conventional product (Karma discloses that after entering the correct password user of the computer system 100 regains complete access to the computer system; see col. 8, lines 30-33).

6. Claims 1, 2, 5-7, 10, 12, 13, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Green (4,624,578).

As of claim 1, Green discloses a power appliance (via rental equipment 10) adapted for limited time trial use (via the electronic device being used for rental; see col. 2, lines 28-35), and enabling device (via a magnetic card 34) to enable the device (see fig.3; also see col. 3, lines 1-14).

As of claim 2, Green discloses that after the insertion of the magnetic card the lessee can use all the functions of the device (see col. 2, lines 59-67).

As of claim 5, Green discloses that the magnetic card is inserted in a slot 20 of the electronic device to enable the device (see fig. 2; also see col. 2, lines 47-52).

As of claim 6, Green discloses that the power appliance has a slot 20 (see fig. 2) and the enabling device has a magnetic strip to communicate with each other (see col. 2, lines 47-60).

As of claim 7, the magnetic card 34 nestles into slot 20 of the power appliance (see col. 2, lines 60-63).

As of claim 10, Green discloses that the communication is magnetic (see col. 3, lines 1-5).

As of claim 12, Green discloses that a separate magnetic card (enabling device) is used for each rented appliance (see col. 3, lines 7-8).

As of claim 13, Green discloses that the magnetic card is capable of enabling the device only once, because the encode information of the card is erased each time the card is used for security purposes (see col. 3, lines 8-14).

As of claim 20, Green discloses a power appliance (via rental equipment 10) adapted for limited time trial use (via the electronic device being used for rental; see col. 2, lines 28-35), wherein the actuation of switches 26 and 28 enables the power appliance (see col. 2, lines 57-59).

As of claim 22, Green discloses a power appliance (via rental equipment 10) adapted for limited time trial use (via the electronic device being used for rental; see col. 2, lines 28-35), wherein the switches 26 and 28 have a particular pattern (via increasing

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the current time if the switch 26 is closed), the switches are operable by the user using a magnetic card (see col. 5, lines 23-39).

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 4, 9, 11, 14, 15, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green 4,624,578) in view of Valiulis (6,317,028).

As of claim 14, Green discloses a power appliance (via rental equipment 10) adapted for limited time trial use (via the electronic device being used for rental; see col. 2, lines 28-35), a communication element (slot 20) an external source (magnetic card) to enable the device.

However Green fails to disclose that device communicate with the external source over a communication line.

Valiulis discloses electronic device with a communication element (via RFID module 83; see fig. 8), which enables and disables the device upon the signal from the user, wherein the device receives an enabling message from an external source (via

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other appliances) over a communication line (via a communication bus 77; see fig. 7; also see col. 15, lines 10-19).

From the teaching of Valiulis it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the power appliance of Green to include a communication line as taught by Valiulis in order to allow the device to communicate with the external devices (see col. 15, lines 9-19).

As of claim 4, Valiulis discloses that the enabling device is permanently integrated within the electronic appliance (see col. 14, lines 60-67)

As of claim 9, Valiulis discloses that the communication is radio frequency (see col. 10, lines 35-40).

As of claim 11, even though not explicitly said but it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Green and Valiulis to include infrared communication since it is well known in the art that that infrared communication is used where line of sight communication is required so a user does not activate devices in the other rooms of a house.

As of claim 15, it discloses the same subject matter as claimed in claim 2, so claim 15 is rejected as claim 2.

As of claim 16, Valiulis discloses that the communication line is telephone line (via user communicating with the registration authority over a telephone line; see col. 14, lines 42-43).

As of claim 18, Valiulis discloses that the communication line is an Internet line (via user communicating with the registration authority over a modem 57; see col. 14, lines 42-43).

As of claim 19, the combination of Green and Valiulis discloses all the elements of the claimed invention but fails to explicitly disclose that the communication element is located in a charger portion of a power appliance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the power device of to include the communication element in the charger portion since it has been held that rearranging parts of an invention involves only routine skill in the art.

9. Claims 3, 8, 17, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green (4,624,578) and view of Hilscher et al. (7,207,080).

As of claims 3, 21 and 23, Green discloses all the limitation of the claimed invention as mentioned in claim 1 above but fails to explicitly disclose that the power appliance is a toothbrush.

Hilscher discloses a power appliance (an electronic toothbrush) having a transponder communicating with a handle portion of the toothbrush via a non-contacting inductive coupling, wherein a control device 18 has an operation inhibiting device 36 which is activated and deactivated by means of an enabling element 38 on the brush attachment 20 (see fig. 1 and fig. 18; also see col. 15, lines 15-26).

From the teaching of Hilscher it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the power appliance of Green to include an electric toothbrush as taught by Hilscher in order to



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provide a simple travel security function for the handle section preventing the handle section from operating when the cleaning tool with its acting member is not coupled (see col. 10, lines 9-15).

As of claim 17, it claims the same subject matter as claimed in claim 3 above, so it is rejected as claim 3.

As of claim 8, Hilscher discloses that a toothbrush has a tag integrated to it and the information from the tag is received optically (see col. 2, lines, 65-67).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil H. Syed whose telephone number is 571-270-3028. The examiner can normally be reached on M-F 7:30-5:00 alt Friday off.

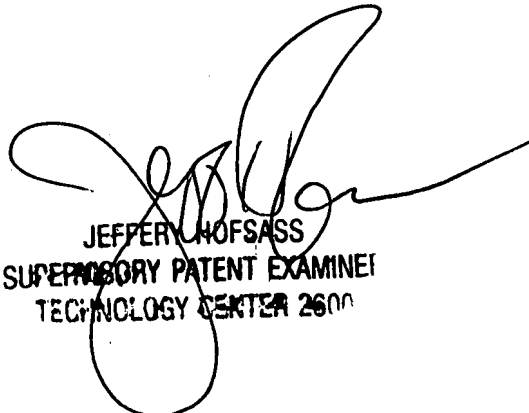
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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N.S



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